

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS HENDON,  
  
                                Petitioner,  
  
                v.  
  
ROBERT BURTON,  
  
                                Respondent.

Case No. 1:21-cv-01246-HBK

ORDER TRANSFERRING CASE TO THE  
NORTHERN DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). Petitioner is a prisoner incarcerated in San Joaquin County, which is located within the jurisdiction and venue of this Court’s Sacramento Division. Petitioner challenges his May 22, 1995 state sentence and conviction entered by the Superior Court of Santa Clara County, which is located within the jurisdiction and venue of the San Jose Division of the United States District Court for the Northern District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Northern District of California and the Eastern District of California have concurrent jurisdiction. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the

1 convenience of parties and witnesses, in the interest of justice, a district court may transfer any  
2 civil action to any other district or division where it might have been brought.” 28 U.S.C. §  
3 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the  
4 district of conviction. *Favor v. California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL  
5 2671006, at \*1 (E.D. Cal. June 21, 2017) (citing *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D.  
6 Cal. 1968)).  
7

8 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should  
9 be transferred to the Northern District of California. 28 U.S.C. §§ 1404(a), 2241(d). The Court  
10 declines to rule on Petitioner’s motion for evidentiary hearing and expansion of the record. (Doc.  
11 No. 2).  
12

13 **Accordingly,**

- 14 1. The Clerk shall transfer this action to the United States District Court for the Northern  
15 District of California, San Jose Division; and  
16 2. All future filings shall reference the new case number assigned and shall be filed at:

17  
18 United States District Court  
19 Northern District of California  
20 San Jose Division  
21 280 South 1st Street, Room 2112  
22 San Jose, CA 95113

23 Dated: August 18, 2021

24   
25 HELENA M. BARCH-KUCHTA  
26 UNITED STATES MAGISTRATE JUDGE  
27  
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